

**REMARKS**

Applicants thank the Examiner for the discussion in the Advisory Action regarding the obviousness to combine the references. Applicants do not acquiesce that it would be obvious to combine the references, but in review of the file Applicants have further arguments and would request a repayment of this RCE fee inasmuch as the previous amendment apparently was not fully considered by the Patent Office.

Applicants December 14, 2006 amendment amended the independent claims to incorporate a limitation from a dependent claim which involves using a probability value that represents a probability of the end user being in a particular background environment. With respect to claim 1, this limitation was previously found in claim 11 and incorporated into claim 1. Applicants note that in the previous non-final Office Action, claim 11 was rejected in view of Komori et al., Gong and further in view of Cilurzo et al. On pages 8 and 9 of the non-final Office Action, the Examiner asserted that Komori et al., Gong and Cilurzo et al. combined to provide multiple users with access to a network speech recognizer having capacity to be expanded dynamically. Applicants simply note that there is does not appear to be any attempt to compare the limitation of using a probably value associated with a probability of the user being in a particular acoustic environment. In response to that Office Action, Applicants cancelled that particular limitation from claim 11 and incorporated it into claim 1.

In the final Office Action on page 2, the Examiner acknowledged that Applicants had amended the claims to include a probability value associated with a probability of the user being in a particular noise environment. The Office Action also notes that our arguments have been fully considered but are moot with respect to the new grounds of rejection. The Office Action then rejects claim 1 and cites Komori et al. (clearly not a new prior art reference to the prosecution at that stage) and appears to assert that the “acoustic environment data” that is

referenced in column 3 and column 5 of Komori et al. matches the recited probability value that is associated with a probability of the user being in a particular acoustic environment.

Applicants traverse this analysis and note that the Examiner does not appear to even attempt to quote or address this particular limitation. Applicants have reviewed columns 3 and 6 of Komori et al. and respectfully assert that the generic reference to acoustic environmental data which may be found in Komori et al. represents different data than a probability of value associated with a probability of a particular user being in a particular acoustic environment. Applicants respectfully submit that this limitation was not addressed in the first non-final Office Action and even after highlighting it in further limiting claim 1 was not adequately addressed in the final Office Action. Accordingly, Applicants also note that no new prior art was cited with regards to this limitation inasmuch as it was already found within claim amendments which has been in the application through several communication iterations.

Accordingly, Applicants respectfully submit that the prior art of record fails to teach this particular limitation and that the finality of the Office Action is inappropriate inasmuch as the new grounds of rejection were not necessitated by the amended claims in view of the limitation that was added was already included in claim 11 but inadequately addressed.

Applicants have filed this RCE, but request repayment of the filing fee and either a non-final Office Action which addresses this limitation which requires a probability value as part of the user profile or more appropriately a Notice of Allowance.

Applicants submit that dependent claims 2-12 each depend from claim 1 and recite further limitations therefrom and are therefore patentable and in condition for allowance. Claim 13 was also previously amended to recite a controller used in an automatic speech recognition system wherein the controller comprises a first section that determines user profile data and includes a probability value associated with the probability of the user being in a particular

acoustic environment. Accordingly, claim 13 is patentable for the same reason set forth above in claim 1. Claims 14-20 each depend from claim 13 and recite further limitations therefrom and are also patentable. Similarly, method claim 21 is also patentable and in condition for allowance as well as dependent claims 22-32.

**CONCLUSION**

Having addressed all rejections and objections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Law Office of Thomas M. Isaacson, LLC, Account No. 50-2960** for any deficiency or overpayment.

Respectfully submitted,

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By: 

Correspondence Address:  
Thomas A. Restaino  
Reg. No. 33,444  
AT&T Corp.  
Room 2A-207  
One AT&T Way  
Bedminster, NJ 07921

Thomas M. Isaacson  
Attorney for Applicants  
Reg. No. 44,166  
Phone: 410-286-9405  
Fax No.: 410-510-1433